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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,334	11/18/2003	Edward J. Suchocki	47089-00050USPT	5219

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EXAMINER

HARPER, TRAMAR YONG

ART UNIT	PAPER NUMBER
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3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/25/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/716,334	Applicant(s) SUCHOCKI, EDWARD J.	
	Examiner Tramar Harper	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Examiner acknowledges receipt of amendment on 10/30/06. The arguments set forth in the response are addressed herein below. Claims 1-26 remain pending and Claims 1, 8, 15, 19, & 24 have been amended.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giobbi (US 6,203,428) in view of Martin et al (US 5,148,155).

Claims 1-26: Giobbi discloses a video gaming machine that comprises of a visual depiction of a game on a video screen; a touch screen interface overlaid upon the video screen; and a dynamic control area for user touch inputs, with representations of such inputs on game control buttons, relative to game play (Abstract, Fig. 2). Giobbi discloses a video gaming machine that further comprises a processor for controlling game play and is responsive to the game control buttons, including touch screen inputs, for operating the gaming machine (Col. 2:21-24). Fig. 3 illustrates the microprocessor which implements the functions of the gaming machine and includes output/input functionality. The microprocessor further includes a digital processor and other electronic components such as display drivers and graphics chips for controlling the

gaming machine (Col. 6:14-20). The gaming machine presents the results of the dynamic touch control. For example, if a user touches the stack tab (82), which is a game control, and drags the finger along the touch screen to select a desired number of game boards the stack tab begins to vary in size as it is visibly moved along the stack (Col. 4:8-14, Fig. 1). This is interpreted as updating the video representation in response to the dynamic control area. When the user is done picking the stack size the stack tab returns to an initial inactive state, which in the art is conventionally well known for touch screen inputs to return to an initial inactive state after use. Furthermore, the touch screen provides inputs to the gaming machine from the player and the touch screen provides visual output, such as visual depiction of buttons (Fig. 2), to the player from the gaming machine (). Thus, making the processor responsible for implementing or controlling such functions. The processor outputs available game control buttons and their control behavior information or function via the touch screen (Fig. 2). The dynamic control area further includes accepting player inputs relative to directional and velocity components (Fig. 2 *directional components*, Fig. 1- *stack tab description above*).

Furthermore, Giobbi discloses the use of game control buttons or indicators on a touch screen for purposes of making it easier for less experienced players to control the game, which would increase player's enjoyment and encourage further game play. Giobbi discloses that game control inputs on the housing of the game machine are used by the experienced players to promote faster game play, increase players' enjoyment, and possibly increase players' earnings (Col. 3:55-61, Fig. 1, Fig. 2 (directional controls)). Giobbi teaches all the above limitations, but excludes simulating an

amusement game controller. Martin et al (US 5,148,155) discloses a touch screen tablet computer that comprises of an interface processor that provides a collection of simulated input devices to the user via the touch screen (Abstract). Fig. 10 illustrates a dynamic control area with a simulated representation of a keyboard on a touch screen. Martin discloses that the user can use the representation of the keyboard by "typing" with the stylus (Col. 27:54-56). As a user presses each button the buttons are shaded to indicate being pressed or e.g. simulate a real keyboard (Col. 28:1-20). Martin also discloses that other device such as a simulated trackball, a simulated 3-dimensional pointer, or a simulated joystick could be implemented (Col. 31:58-65). It would have been obvious to one of ordinary skill to provide game control input devices such as trackballs and joysticks, as taught by Martin, on a touch screen interface, as taught by Giobbi, to provide ease of use for novice players or users and increase player enjoyment.

Response to Arguments

Applicant's arguments with respect to Claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gillespie (US 2005/0024341), Colin (US 2002/0119813), and Geaghan (US 2003/0067447) all teach similar structure devices relative to touch screen inputs and game device controllers.

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tramar Harper whose telephone number is (571) 272-6177. The examiner can normally be reached on 7:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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 1/17/07

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